

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

VINCENT SONNICK,

Plaintiff,

vs.

**5:20-CV-415
(TJM/ML)**

**SOCIAL SECURITY OFFICES SYRACUSE;
ALJ BRUCE FEIN; ALJ Syracuse; and
HERITAGE PARK APARTMENTS,**

Defendants.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

The Court referred this *pro se* civil action to Magistrate Judge Miroslav Lovric for a report and recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). In his Order and Report-Recommendation dated June 4, 2020 (Dkt. No. 6), Magistrate Judge Lovric grants Plaintiff's application to proceed in forma pauperis, and examines the sufficiency of the allegations set forth in the Complaint in light of 28 U.S.C. § 1915.

As Magistrate Judge Lovric explained:

Plaintiff has filed his Complaint on a form complaint for claims brought pursuant to the Americans with Disabilities Act ("ADA"). (*See generally* Dkt. No. 1.) The Complaint alleges that Plaintiff suffers from anxiety disorder and severe depression. (*Id.* at 2.) On the form, Plaintiff checked boxes indicating that his ADA claim is related to the failure to employ, termination of employment, and retaliation, but there is no assertion that he was employed by Defendants or that he sought to be employed by Defendants. (*Id.* at 3.)

The Complaint then alleges that [Plaintiff] has applied for disability, was harassed by "Oneida Troop D Headquarters, Onondaga Co. Sher[iff], . . .

[and] 3 or 4 families,” and had issues with mold and break-ins at Heritage Park Apartments. (*Id.* at 3.) Plaintiff seeks “126.5 million dollars” and back “SSI-SSDI payments.” (*Id.* at 4.)

Ord. & Rep. Rec. at 1-2.

As Magistrate Judge Lovric found, the nature of Plaintiff’s claim here is unclear. *Id.* at 5. “Though styled as a claim under the ADA, Plaintiff has not pleaded sufficient facts to support such a claim at this juncture. Certain allegations in the Complaint, however, suggest that what Plaintiff may be seeking is judicial review of an administrative decision denying benefits under the Social Security Act.” *Id.* Given this uncertainty and the lack of specificity in Plaintiff’s pleadings, Magistrate Judge Lovric recommends that this action be dismissed, but that the dismissal be without prejudice and that Plaintiff be permitted thirty days within which to file an amended complaint that specifically clarifies the exact nature of Plaintiff’s claim or claims.

Plaintiff did not object to the Order and Report-Recommendation, and the time for such objection has passed. After examining the record, this Court has determined that the Order and Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will accept and adopt the recommendation for the reasons stated therein.

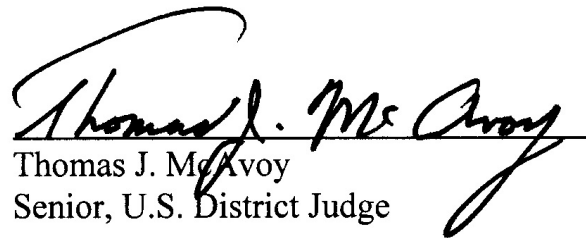
Accordingly,

The recommendation in Magistrate Judge Lovric’s Order and Report-Recommendation, dkt. # 6, is hereby **ACCEPTED** and **ADOPTED**. Plaintiff’s Complaint is hereby **DISMISSED** without prejudice to repleading within thirty (30) days of the date of this Decision and Order.

If Plaintiff does not file an amended complaint within thirty (30) days of the date of this Decision and Order, the Clerk of the Court is directed to close the file in this case.

IT IS SO ORDERED.

Dated: July 20, 2020


Thomas J. McAvoy
Senior, U.S. District Judge